

From: Environmental Law360 [news-q2@law360.com]
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To: Duffy, Rick [Duffy.Rick@epa.gov]
Subject:[SPAM-Sender] Judge Unsure NY Climate Suit Can Exist Outside Federal Law

ENVIRONMENTAL



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Thursday, June 14, 2018

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TOP NEWS

Judge Unsure NY Climate Suit Can Exist Outside Federal Law

A federal judge on Wednesday pressed lawyers on both sides of New York City's climate change suit against Big Oil on whether the case concerns the companies' greenhouse gas-emitting products or the emissions themselves, which could determine whether the Big Apple's claims are displaced by federal regulation. [Read more »](#)

EPA Ordered To Act On Smog Drifting Into NY, Conn.

A federal judge held on Wednesday that the U.S. Environmental Protection Agency missed the deadline to craft plans to curb smog pollution blown into New York and Connecticut from other states and ordered the agency to propose those plans by the end of June. [Read more »](#)

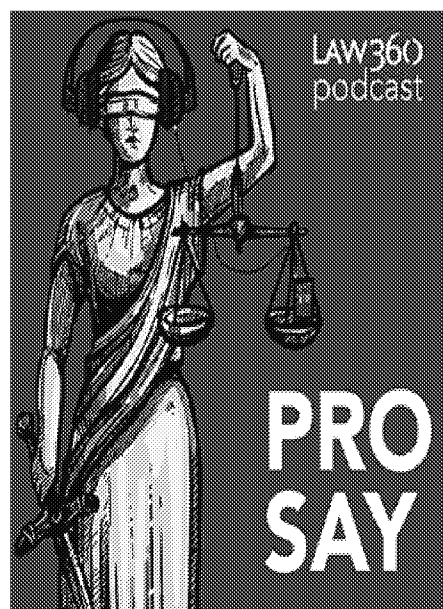
Industry Groups Ask Judge To Sink Clean Water Act Rule

A large group of industry advocacy organizations on Tuesday urged a North Dakota judge to strike down a controversial Obama-era rule defining the Clean Water Act's reach. [Read more »](#)

Trump Makes New Pick For Enviro Council Chair

President Donald Trump on Tuesday said he intends to nominate the White House Council on Environmental Quality's current chief of staff to chair the group — his second try at filling the position after his first nominee failed to gain Senate approval. [Read more »](#)

Volkswagen Fined €1B In Germany Over Emissions Scandal



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LAW FIRMS

Akerman
Akin Gump
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Cadwalader Wickersham
Cooley
Cravath Swaine

Volkswagen AG said Wednesday that German authorities have fined it €1 billion, or \$1.18 billion, marking the latest repercussion for its emissions-cheating scandal first disclosed in late 2015. [Read more »](#)

ENFORCEMENT

Magna Int'l Unit Reaches \$3M Agreement With EPA Over Waste

A Magna International Inc. unit has agreed to a \$3 million deal to settle alleged federal and state hazardous waste violations at a Georgia automotive parts manufacturing and supply facility, the U.S. Environmental Protection Agency said Wednesday. [Read more »](#)

Seafood Co.'s Faulty Ship Endangered Alaska Bay, Feds Say

The owner of a damaged ship full of fuel, oily wastewater and 130,000 pounds of contaminated fish got slapped with an environmental lawsuit Wednesday in Alaska federal court, with the U.S. government claiming the fish processor illegally risked discharging pollutants in Captain's Bay in the Aleutian Islands. [Read more »](#)

LITIGATION

California Stuck With Order Barring Glyphosate Warning

A California federal judge denied the California attorney general's request to rethink his refusal to require Monsanto and several farming associations to warn that the chemical glyphosate might cause cancer because doing so would violate their First Amendment rights. [Read more »](#)

9th Circ. Upholds First Solar Win In Derivative Suit

In a published opinion Wednesday, a Ninth Circuit panel affirmed the dismissal of a derivative shareholder suit against First Solar Inc. over allegations that some of its corporate officers approved documents concealing the existence of defects in company-made solar panels, finding the investors did not show demand futility. [Read more »](#)

EPA, Army Corps Sued Again Over Clean Water Rule Issues

Several environmental organizations alleged that parts of the Clean Water Rule and the regulation delaying its implementation until February 2020 ran afoul of federal environmental laws in a suit against the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers filed in California federal court Wednesday. [Read more »](#)

Enviros Sue Over Ore. Logging They Say Hurts Coho Salmon

A coalition of environmental and fishing groups filed suit on Wednesday in Oregon federal court against Oregon Department of Forestry officials, accusing them of harming the protected coho salmon by allowing logging and road building in two state forests in violation of the Endangered Species Act. [Read more »](#)

Nutraceutical Appeals Enviros' Fees In Suit It Calls Moot

Supplements-maker Nutraceutical Corp. told a California appellate court Wednesday it shouldn't have to pay an environmental group's attorneys' fees in a suit alleging its products fail to comply with the state's toxic

DLA Piper
Davis Polk
Debevoise & Plimpton
Dechert
Dewey & LeBoeuf
Eagan Avenatti
Fried Frank
Gibson Dunn
Goodwin
Greenberg Traurig
Hagens Berman
Holwell Shuster
Hueston Hennigan
Hunton Andrews Kurth
Husch Blackwell
Irell & Manella
Jenner & Block
Jones Day
Kahn Soares
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Kellogg Hansen
King & Spalding
Kramer Levin
Latham & Watkins
Law Offices of Alan S. Futerfas
LeClairRyan
Lexington Law Group
Mayer Brown
McDermott Will
Milbank Tweed
Morgan Lewis
Morrison & Foerster
Munger Tolles
O'Melveny & Myers
Olsson Frank
Pachulski Stang
Paul Weiss
Perkins Coie
Pillsbury Winthrop
Proskauer Rose
Robbins Arroyo
Seeger Weiss
Selendy & Gay
Simpson Thacher
Skadden
Spears & Imes
Squire Patton Boggs

substances warning law, saying the company fixed the issue before the suit was even filed. [Read more »](#)

PEOPLE

Jones Day Snags Clean Energy Atty From Goodwin Procter

Jones Day has hired a clean energy attorney from Goodwin Procter LLP who has experience helping clients focused on a range of technologies from energy storage to nuclear power as a partner located in Boston, the firm announced Wednesday. [Read more »](#)

EXPERT ANALYSIS

High Court Passes On New Chance To Clarify CWA Confusion

With its recent decision in *Hughes v. United States*, the U.S. Supreme Court has passed on an opportunity to shed light on its prior rulings on the statutory reach of the federal Clean Water Act, long a source of confusion for lower courts and litigants alike, say Andrea Driggs and Christopher Thomas of Perkins Coie LLP. [Read more »](#)

Why Lawyers Shouldn't Accept Fees In Cryptocurrency: Part 1

Law firms are increasingly accepting cryptocurrency as payment for services. While this might seem innovative and forward-thinking, ironically it is much more of a throwback, says John Reed Stark of John Reed Stark Consulting LLC. [Read more »](#)

LEGAL INDUSTRY

The Firms That Get Clients To Pay The Highest Rates

When asked which firms manage to secure the highest rates clients are willing to pay, legal decision makers keep coming back to the same 31 firms, according to a new report released Wednesday. [Read more »](#)

Michael Cohen Splits With McDermott Legal Team

Michael Cohen, personal attorney and self-described "fixer" for President Donald Trump, is in need of a new legal team as he splits with McDermott Will & Emery LLP, according to media reports Wednesday. [Read more »](#)

Paul Weiss Ties Cravath's Associate Salary Bumps

Paul Weiss Rifkind Wharton & Garrison LLP confirmed it has joined at least two other law firms in catching up to the new associate pay scale and bonus structure put forth this week by Cravath Swaine & Moore LLP. [Read more »](#)

LeClairRyan Has Done Away With Paralegals, Secretaries

U.S. law firm LeClairRyan no longer employs its own operational staff, and instead sends all nonbillable work to a joint venture it has formed with law company UnitedLex, in a groundbreaking new arrangement the firm announced Wednesday. [Read more »](#)

Sens. Slam US Courts' Action Plan On Sexual Harassment

U.S. senators on Wednesday criticized efforts by the federal courts to address sexual harassment and other workplace misconduct by judges,

Stern & Kilcullen
Sullivan & Cromwell
SulmeyerKupetz
Susman Godfrey
Wachtell Lipton
Weil Gotshal
White & Case
Willkie Farr
WilmerHale
Winston & Strawn

COMPANIES

American Electric Power Co. Inc.
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BP p.l.c.
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Center for Biological Diversity Inc.
Chevron Corporation
ConocoPhillips
Exxon Mobil Corporation
First Solar, Inc.
Google Inc.
Magna International Inc.
Monsanto Company
National Association of Home Builders
National Association of Manufacturers
Nutraceutical International Corp.
Royal Dutch Shell PLC
Trump Organization Inc.
Twitter Inc.
UnitedLex Corp.
Volkswagen
Washington Post Co.
Waste Management, Inc.

GOVERNMENT AGENCIES

Alaska Department of Environmental Conservation
Army Corps of Engineers
California Air Resources Board
Council on Environmental Quality
Equal Employment Opportunity Commission
Federal Bureau of Investigation
Federal Deposit Insurance Corp.
Federal Trade Commission

calling a report on the topic released by the administrative body of the federal court system "exceedingly vague" and insufficient. [Read more »](#)

Ex-Dewey CFO Gets Discovery Stay For Criminal Appeal

Dewey & LeBoeuf LLP's former chief financial officer, who was convicted of fraud, won a bid Tuesday to pause discovery in the U.S. Securities and Exchange Commission's New York federal suit against him while his criminal case is still on appeal. [Read more »](#)

Avenatti's Ex-Partner Seeks Assets To Satisfy \$10M Judgment

A former partner at Eagan Avenatti LLP has asked a California bankruptcy court to turn over the defunct class action firm's assets to him to satisfy a \$10 million judgment — a request that includes payments tied to Michael Avenatti's representation of Stormy Daniels in her lawsuit against President Donald Trump. [Read more »](#)

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and Commerce
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